

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No. 1065 (S/S)07

Manoj Kumar S/o late Sri Basant Ballabh Gururani,
R/o village Mankote, Post Office- Udera,
District Bageshwar. ----Petitioner.

Vs.

1. Managing Director, Uttarakhand Transport,
Corporation, Dehradun,
2. Regional Manager, Uttarakhand Transport Cor.
Haldwani, District Nainital. -----Respondents.

Sri R.C. Tamta, learned counsel for the petitioner.
Sri N.S. Pundir, learned counsel for the respondents-corporation.

Hon'ble M.M. Ghildiyal, J.

Heard Sri R.C. Tamta, learned counsel for the petitioner
and Sri M.S. Bisht, Adv. holding brief of Sri N.S. Pundir,
learned counsel for the respondents' corporation.

By means of this writ petition, the petitioner has prayed
for the following reliefs:-

- i. Issue a writ, order or direction in the nature of
mandamus commanding /directing the respondents to
give the compassionate appointment under the Dying-
in-Harness rules to the petitioner in place of his father,
- ii. Issue or Pass any other writ, order of direction in the
nature and manner, which may be deemed just and
expedient in the circumstances of the case,
- iii. Allow the writ petition with costs.

Stand of the petitioner is that his father was working with the respondents' department and while serving as Conductor with the respondents he expired on 15.06.2005. After death of his father, the petitioner made an application on 25.07.2005 before respondent no.2 to provide him appointment under Dying-in-Harness Rules. The said application is annexed as annexure no. 2 to the writ petition. Since, no action was taken by the respondents, the petitioner preferred several reminders, however till date no action has been taken by the respondents.

The very purpose of the Rule known as Dying-in-Harness Rules is to provide immediate relief to the members of bereaved family of the deceased employee. Consequently, I deem it fit and proper to direct the respondent no. 2 to take decision on the application of the petitioner dated 25th July 2005, annexure no. 2 to the writ petition, in accordance with law, within a period of six weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 13, 2007:
NCM: